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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,832	01/23/2004	David J. Bates	999999-0043	7694

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RATHE PATENT & IP LAW
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MEQUON, WI 53097

EXAMINER

LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
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2167

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,832	Applicant(s) BATES, DAVID J.	
	Examiner Cheryl Lewis	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>303</u> |

DETAILED ACTION

1. This Office Action is in response to the applicant's communication received on June 19, 2007.
2. Claims 1-23 are presented for examination.
3. Applicants' arguments with respect to claims 1-23 have been considered but are deemed to be moot in view of the new grounds of rejection.

Request for Reconsideration

4. The applicant's request for reconsideration of the sufficiency of the declaration filed under 37 CFR 1.131 is hereby granted. The Examiner acknowledges the sufficiency of the declaration filed under 37 CFR 1.131. The Examiner kindly requests that the applicant take into consideration the acknowledgement of this request based on the entry of the declaration submitted February 16, 2007. However, for the convenience of both the applicant and the Examiner this acknowledgement will be addressed again with the presently received (filed) Request For Reconsideration dated June 19, 2007.
5. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahn et al. (Patent No. 6,401,079 B1 filed October 1, 1999, hereinafter Kahn).

8. Regarding Claims 1, 13, 15, 18, and 20-23, Kahn teaches a system for web-based payroll and benefits administration.

The method and associated system for a system for web-based payroll and benefits administration as taught or suggested by Kahn includes:

a date field configured to display a date (col. 35, lines 58-67, 'tax definition period, tax alternative, and "Tax Table" field 3770, which includes the effective date, expiration date, tax rate, and dollar limit...', col. 36, lines 53-67, col. 37, lines 1-8, 'Employer can define an "autopay schedule, " including the days of the workweek and how many hours the employee works per day, and can specify whether the schedule will be a default schedule."');

a start field configured to display a starting time of a time entry (col. 12, line 39, col. 21, line 33, figure 12(a) "Effective Date"; "01/01/1998", i.e., 'effective date'); a stop field configured to display an ending time of the time entry (col. 12, line 39, col. 21, line 33, figure 12(a) "Expiration Date"; "12/01/1999", i.e., 'expiration date', col. 14, lines 44-64, '...employee's overtime hours and insert the hours into...', col. 15, lines 53-66, 'Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.'; '...keying-in the timesheet data...');

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and '...employees hours may be entered via an offline browser...', col. 37, lines 41-48, '...hourly pay rate (as shown in "Increment" field 3915)...', col. 47, lines 62-67, col. 48, lines 1-14, '...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...');

a description field configured to display a description of the time entry ("Effective Date" and "Expiration Date", [this text string identifies the description of the time entry], figure 12(a), col. 14, lines 44-64, '...employee's overtime hours and insert the hours into...', col. 15, lines 53-66, 'Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period. '; '...keying-in the timesheet data...'; and '...employees hours may be entered via an offline browser...', col. 37, lines 41-48, '...hourly pay rate (as shown in "Increment" field 3915)...', col. 47, lines 62-67, col. 48, lines 1-14, '...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...'); and at least one code field configured to display at least one code assigned to the time entry (col. 35, lines 44-57, 'Clicking "Change Alternative" button 3765 causes the system to display the "Tax Alternative" interface, shown in FIG. 17. The "Tax Alternative" interface allows the user to specify a new tax alternative for the selected tax...', figure 17, code is established using 'Tax Alternative', 'Alternative', tax 'Alternative' further includes codes 'Standard', Late FUTA Payer', etc.);

a selector movable between each of the plurality of fields (col. 13, lines 58-67, 'Such a workflow can be invoked via a keystroke or by clicking a button and

automatically guides the user through a pre-selected sequence of interface screens, rather than requiring the user to select each interface screen along the way. The system provides software “wiz-ards” that enable the user to navigate forwards or backwards through a series of interface screens...’, col. 28, lines 27-35, ‘For example, as shown in FIG. 7(a), the Employer defined two offices and selected the “Second Office,” which is highlighted in “Offices” field 3300’);

and a first actuator configured to perform at least one of a plurality of functions upon being actuated depending upon which of a plurality of fields the selector is located (col. 13, lines 58-67, ‘Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...’, col. 31, lines 14-25, ‘Returning to the “Paid Time Off and Schedules” interface, as shown in FIG. 10, clicking “Add PTO” button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking “Add Schedule” button 3500 causes the system to create a new schedule to be created under the selected paid-time-off plan and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...’);

a plurality of fields configured to display different types of time entry data (col. 38, lines 19-36, ‘For the time period specified in the pull-down menu of “Period” field 3950, (e.g., next 12 months, past 12 months, “All”)...’, figure 28(a), col. 41, lines 18-20, ‘The “Payroll Information” interface, illustrated in FIG. 28(a), enables input and modification of payroll information regarding the selected employee, including: hiring date...’, figure 28, col. 41, lines 55-66, ‘The “Payroll Information” interface also provides the Employer

with functionality to record the termination of an employee. Such functionality is activated by clicking "Terminate" button 4200, as shown in FIG. 28(a).'; and '...the Employer to set the termination date of an employee...', col. 14, lines 44-64, '...employee's overtime hours and insert the hours into...', col. 15, lines 53-66, 'Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.'; '...keying-in the timesheet data...'; and '...employees hours may be entered via an offline browser...', col. 37, lines 41-48, '...hourly pay rate (as shown in "Increment" field 3915)...', col. 47, lines 62-67, col. 48, lines 1-14, '...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...').

9. Regarding Claim 2, Kahn teaches a current date in the date field (figure 28(a), col. 41, lines 18-20, 'The "Payroll Information" interface, illustrated in FIG. 28(a), enables input and modification of payroll information regarding the selected employee, including: hiring date...'); enters a current system time in the start field corresponding to the date field (col. 15, lines 45-67, '...time clock...'); enters the current system time plus a preselected time increment in the stop field corresponding to the start field (col. 37, lines 41-48, '...hourly pay rate (as shown in "Increment" field 3915)...'); and moves the selector to the stop field corresponding to the start field (col. 13, lines 58-67, 'Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens, rather than requiring the user to select each interface screen along the way. The system provides

software “wiz-ards” that enable the user to navigate forwards or backwards through a series of interface screens...’, col. 28, lines 27-35, ‘For example, as shown in FIG. 7(a), the Employer defined two offices and selected the “Second Office,” which is highlighted in “Offices” field 3300’).

10. Regarding Claim 3, Kahn teaches the first actuator enters a current system time in the start field when the selector is positioned in the start field (col. 13, lines 58-67, ‘Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...’, col. 31, lines 14-25, ‘Returning to the “Paid Time Off and Schedules” interface, as shown in FIG. 10, clicking “Add PTO” button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking “Add Schedule” button 3500 causes the system to create a new schedule to be created under the selected paid-time-off plan and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...’).

11. Regarding Claim 4, Kahn teaches the first actuator records a preceding stop time in the start field when the selector is in the start field (col. 13, lines 58-67, ‘Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...’, col. 31, lines 14-25, ‘Returning to the “Paid Time Off and Schedules” interface, as shown in FIG. 10, clicking “Add PTO” button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking “Add Schedule” button 3500 causes the system to create a new schedule to be created under

the selected paid-time-off plan and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...').

12. Regarding Claim 5, Kahn teaches the first actuator copies data from at least one code field of a first time entry to at least one corresponding code field of a second time entry upon actuation of the first actuator (col. 13, lines 58-67, 'Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...', col. 31, lines 14-25, 'Returning to the "Paid Time Off and Schedules" interface, as shown in FIG. 10, clicking "Add PTO" button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking "Add Schedule" button 3500 causes the system to create a new schedule to be created under the selected paid-time-off plan and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...').

13. Regarding Claim 6, Kahn teaches the first actuator copies data from the description field of a first time entry to the description field of a second time entry upon actuation of the first actuator (col. 13, lines 58-67, 'Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...', col. 31, lines 14-25, 'Returning to the "Paid Time Off and Schedules" interface, as shown in FIG. 10, clicking "Add PTO" button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking "Add Schedule" button 3500 causes the system to create a new schedule to be created under the selected paid-time-off plan

and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...').

14. Regarding Claim 7, Kahn teaches all of the fields are simultaneously displayed (col. 38, lines 19-36, 'For the time period specified in the pull-down menu of "Period" field 3950, (e.g., next 12 months, past 12 months, "All")...', figure 28(a), col. 41, lines 18-20, 'The "Payroll Information" interface, illustrated in FIG. 28(a), enables input and modification of payroll information regarding the selected employee, including: hiring date...', figure 28, col. 41, lines 55-66, 'The "Payroll Information" interface also provides the Employer with functionality to record the termination of an employee. Such functionality is activated by clicking "Terminate" button 4200, as shown in FIG. 28(a).'; and '...the Employer to set the termination date of an employee...', col. 14, lines 44-64, '...employee's overtime hours and insert the hours into...', col. 15, lines 53-66, 'Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.'; '...keying-in the timesheet data...'; and '...employees hours may be entered via an offline browser...', col. 37, lines 41-48, '...hourly pay rate (as shown in "Increment" field 3915)...', col. 47, lines 62-67, col. 48, lines 1-14, '...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...').

15. Regarding Claim 8, Kahn teaches input configured to record data in one of the plurality of fields in which the selector is positioned (col. 20, lines 17-26, col. 21, lines 50-59).

16. Regarding Claim 9, Kahn teaches the input is selected from a keyboard and a preceding field entry (col. 13, lines 57-67).

17. Regarding Claims 10 and 14, Kahn teaches an entry hours field configured to display an elapsed time between a corresponding start time and a corresponding stop time (col. 12, line 39, col. 21, line 33, figure 12, col. 14, lines 44-64, col. 15, lines 53-66).

18. Regarding Claim 11, Kahn teaches the system is configured to adjust the elapsed time based upon a pre-selected formula (col. 12, line 39, col. 21, line 33, figure 12, col. 14, lines 44-64, col. 15, lines 53-66).

19. Regarding claim 12, the limitations of this claim has been noted in the rejection of claims 1, 7, 18, and 20-23 presented above. It is therefore rejected as set forth above.

20. Regarding Claim 16, Kahn teaches the second actuator provides separate sums for billable and non-billable time for the selected date upon being activated (col. 15, lines 45-67).

21. Regarding Claim 17, Kahn teaches the second actuator additionally increments a first yearly hourly total by the first daily hourly total upon being activated (col. 37, lines 41-48).

22. Regarding Claim 19, Kahn teaches a plurality of fields configured to display time related information (col. 38, lines 19-36, figure 28(a), col. 41, lines 18-20, col. 41, lines 55-66, col. 14, lines 44-64, col. 15, lines 53-66, col. 47, lines 62-67, col. 48, lines 1-14); means for selecting a first one of the plurality of fields (col. 38, lines 19-36, figure 28(a), col. 41, lines 18-20, col. 41, lines 55-66, col. 14, lines 44-64, col. 15, lines 53-66, col. 47, lines 62-67, col. 48, lines 1-14): and means for entering time related information in a

second one of the plurality of fields based upon the selected first one of the plurality of fields and in response to actuation of an actuator (col. 38, lines 19-36, figure 28(a), col. 41, lines 18-20, col. 41, lines 55-66, col. 14, lines 44-64, col. 15, lines 53-66, col. 47, lines 62-67, col. 48, lines 1-14).

NAME OF CONTACT

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/

Patent Examiner, A.U. 2167

June 28, 2007

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/763,832

Applicant(s)

BATES, DAVID J.

Examiner

Cheryl Lewis

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

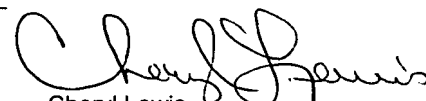
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


Cheryl Lewis
Patent Examiner, A.U. 2167
June 28, 2007

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner has agreed to enter the reconsideration of the sufficiency of the Declaration filed under 37 CFR 1.131. The finality of the rejection dated December 12, 2006 has been withdrawn and a new non-final action is submitted with the corresponding communication.